

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ANDREW BERKOWITZ

:
:
:
:
:
:
:

**CRIMINAL NO.
19-CR-356**

ORDER

AND NOW, to wit, this day of , 2020 upon Motion of Marc Neff, Esquire, attorney for the defendant, Andrew Berkowitz, the United States of America by and through its Assistant United States Attorney, M. Beth Leahy, Esquire, having been given an opportunity to be heard, is hereby ORDERED and DECREED that Counsel, Marc Neff's Amended Motion to Withdraw as Counsel is GRANTED.

BY THE COURT:

Honorable Paul Diamond

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ANDREW BERKOWITZ

:
:
:
:
:
:
:

**CRIMINAL NO.
19-CR-356**

**AMENDED MOTION FOR LEAVE TO WITHDRAW
AS COUNSEL FOR DEFENDANT, ANDREW BERKOWITZ**

AND NOW, comes Marc Neff, Esquire, filing the within Amended Motion for Leave to Withdraw as Counsel for Defendant, Andrew Berkowitz, and states as follows:

1. The defendant was indicted on or about June 25, 2019 and that Indictment was sealed. It was unsealed on June 27, 2019 and the defendant appeared on that day before Magistrate Judge Lynn A. Sitarski.
2. The undersigned attorney took over from prior counsel due to a conflict issue.
3. Counsel herein has diligently represented the defendant since entering an appearance on September 25, 2019.
4. On January 24, 2020, the defendant entered a guilty plea before this Honorable Court.
5. There are no motions pending and sentencing is scheduled on July 16, 2020.
6. The defendant is incarcerated at the Federal Detention Center and has been since his guilty plea.
7. The defendant has discharged counsel herein. (See Generally, Pa.R.P.C. 1.16 (a)(3))
8. The attorney-client relationship is irretrievably broken.

9. The defendant insists on taking action that the lawyer considers repugnant and with which the counsel herein had a fundamental disagreement (Pa.R.P.C. 1.16 (b)(4)).
10. The defendant has been advised that due to irreconcilable differences and that the undersigned would be petitioning the Court for leave to withdraw as counsel.
11. The withdrawal can be accomplished without material adverse effects on the interests of the defendant (Pa.R.P.C. 1.16 (b)(1)).
12. The defendant has indicated that he is in the process of obtaining new counsel.
13. Defendant has repeatedly ordered Counsel to engage in a course of conduct that would violate the Rules of Professional Conduct (See R.P.C. 1.16), counsel has refused.
14. Defendant has accused counsel of acts which are contrary to the best interest of defendant.
15. Defendant has accused counsel of forcing the defendant to enter into a guilty plea.
16. Defendant has indicated that he wishes to withdraw his guilty plea based, in part, upon counsel's alleged collusion with the Government and the defendant has alleged that counsel encouraged defendant to lie at the change of plea hearing.
17. Defendant refuses to participate with counsel in preparation for sentencing.
18. Defendant has threatened counsel with disciplinary, criminal and civil actions.
19. Defendant has created a conflict of interest wherein (1) Counsel may be called as a witness; (2) Counsel must protect himself from the defendant's spurious allegations of civil or criminal liability and disciplinary action.

20. There is sufficient time for the defendant to secure new counsel.
21. Defendant has advised counsel herein that he would prefer to proceed pro se than with counsel herein.
22. Counsel for the Government has advised that they take no position on the motion.

WHEREFORE, Marc Neff, Esquire, respectfully requests that this Court grant his Amended Motion for Leave to Withdraw as Counsel for Defendant, Andrew Berkowitz.

Respectfully submitted:

/s/ Marc Neff
Marc Neff, Esquire
Neff & Sedacca, P.C.
1845 Walnut Street, Suite 1300
Philadelphia, PA 19103
(2156) 563-9800

CONSENTED TO:

(Counsel is unable to obtain defendant's signature due to the indefinite lock down at the Federal Detention Center due to the COVID-19 pandemic.) The Defendant was notified of the filing of this motion.

Andrew Berkowitz
USM No. 77307-066

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

ANDREW BERKOWITZ

:
:
:
:
:
:
:

**CRIMINAL NO.
19-CR-356**

CERTIFICATION OF SERVICE

I, Marc Neff, Esquire, Counsel for Defendant, do hereby certify that on this 4th day of May 2020, I electronically filed the attached document (Amended Motion for Leave to Withdraw as Counsel For Defendant, Andrew Berkowitz) with the Clerk of the District Court using CM/ECF, which will send notification of the filing to the following registered participants:

M. Beth Leahy, Esquire
Assistant United States Attorney
United States Attorney's Office
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106-4476

/s/ Marc Neff
Marc Neff, Esquire
1845 Walnut Street, Suite 1300
Philadelphia, PA 19109
(215) 563-9800
Email: marc@neffsedacca.com
Attorney for Defendant, Andrew Berkowitz